

Message Text

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PAGE 01 STATE 275063

63

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INFO OCT-01 EUR-12 IO-10 ISO-00 L-02 FRB-01 OMB-01 TAR-01

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LAB-04 NSAE-00 OIC-02 RSC-01 SIL-01 STR-01 TRSE-00

CIEP-01 CEA-01 DODE-00 DOTE-00 FMC-01 CG-00 COA-01

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FM SECSTATE WASHDC

TO USMISSION OECD PARIS PRIORITY

INFO USMISSION GENEVA

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E.O. 11652: N/A

TAGS: EWWT, UNCTAD, OECD

SUBJECT:OECD MTC SPECIAL GROUP ON UNCTAD SHIPPING QUESTIONS

DECEMBER 18/19, 1974

REF: A) STATE 269541 B) OECD/MTC DOC. MT/GS/A/74.2

US DOES NOT PLAN TO SEND REPRESENTATIVES FROM WASHINGTON
FOR ONE AND ONE-HALF DAY OECD CONSULTATIONS (SPECIAL GROUP
ON UNCTAD SHIPPING QUESTIONS MEETING) IN PREPARATION FOR
4TH SESSION, UNCTAD WG ON ISL, JAN. 27/FEB. 7, 1975.
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PAGE 02 STATE 275063

MISSION IS REQUESTED TO COVER SESSION AND REPORT THEREON.

FOLLOWING GUIDANCE KEYED TO PROVISIONAL AGENDA (REF B) IS PROVIDED TO ASSIST MISSION-DESIGNATED U.S. REPRESENTATIVE.

1. AGENDA (MT/GS/A/74.2) OKAY.
2. SUMMARY RECORD OF JUNE, 1974 SPECIAL GROUP MEETING (MT/GS/M/74.2), WHICH DEALT WITH OECD FOLLOW-UP ON UN CODE OF CONDUCT AND 6TH SESSION UNCTAD COMMITTEE ON SHIPPING, IS ACCEPTABLE.
3. PROVISIONAL AGENDA FOR UNCTAD WG/ISL (TD/B/C.4/ISL/14), ANNOTATIONS AND SUGGESTIONS FOR THE ORGANIZATION OF WORK ARE SATISFACTORY. WITH RESPECT TO ITEM 4 THEREOF

US CAN SEE NO REASON TO OPPOSE CHANGING ORDER OF PRIORITIES IN LIGHT OF RELATIONSHIP MARINE INSURANCE AND DEVELOPMENTS AT 2ND SESSION OF THE UNCTAD IPG ON INTERNATIONAL MULTIMODAL TRANSPORT. SEE II BELOW FOR DISCUSSION ON TD/B/C.4/ISL/13 (CHARTER PARTIES).

- I) US DEL TO 4TH SESSION WG/ISL IS EXPECTED TO NUMBER AT LEAST TWO AND POSSIBLY THREE YET-TO-BE-NAMED INDIVIDUALS, INCLUDING ONE FROM US MISSION GENEVA.
- II) CHARTER PARTIES (TD/B/C.4/ISL/13). (SUB-ITEMS A)-D)). US REP SHOULD REFRAIN FROM SPECIFIC COMMENTS RE MAJOR ISSUES AS WELL AS ASSESSMENT AND CONCLUSIONS OF DOC. DOCUMENT IS CURRENTLY BEING REVIEWED BY INTERESTED GOVERNMENT AND INDUSTRY PARTIES. PRELIMINARY REACTION IS THAT DOC IS COMPREHENSIVE AND COMPETENT SURVEY, BUT THAT CONCLUSIONS NOT BASED ON FULL APPRECIATION OF FACTORS DISCUSSED. MOREOVER, UNDERLYING THRUST OF DOCUMENT IMPLIES EVENTUAL INTERNATIONAL REGULATION OF BULK AND TANKER TRADES. WE ARE NOT AT ALL CONVINCED THIS IS NECESSARY OR EVEN DESIRABLE CONSIDERING NATURE, NEEDS AND COMPLEXITIES OF THE CHARTER MARKET AND THE ROLE OF NEGOTIATION AND COMMERCIAL JUDGMENT THEREIN. THERE MAY, HOWEVER, BE AREAS WHERE INTERNATIONAL AGREEMENT MIGHT BE DESIRABLE, I.E. LIABILITY QUESTIONS. OUR LIMITED OFFICIAL USE

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PAGE 03 STATE 275063

INITIAL REACTION IS ALSO TO OPPOSE THE ESTABLISHMENT OF ANY AD HOC EXPERT GROUP TO REVISE STANDARD CHARTER PARTY FORMS, REPORTING TO UNCTAD, OR HAVING UNCITRAL PROCEED ON A CONVENTION FOR THE MANDATORY REGULATION OF CERTAIN ASPECTS OF CHARTER PARTIES IN TANDEM WITH THE SUGGESTED UNCTAD EXPERTS GROUP. WITH RESPECT TO THE LINE GROUP B MIGHT TAKE VIS-A-VIS THE WG, OUR TENTATIVE VIEW IS TO APPROACH DISCUSSION OF DOCUMENT IN POSITIVE,

BUT CRITICAL MANNER, POINTING OUT AND EMPHASIZING UNSUBSTANTIATED ARGUMENTS AND CONCLUSIONS. MOREOVER, IN THE ABSENCE OF CONVINCING ARGUMENTATION FOR INTERNATIONAL REGULATION OF CHARTER PARTIES, GROUP B MIGHT REFRAIN FROM SUPPORTING THE PROPOSALS OF THE SECRETARIAT AND INSTEAD SUGGEST REFERRAL OF THE WHOLE QUESTION TO UNCITRAL FOR FURTHER STUDY AND CONSIDERATION.

III) ORGANIZATION

A) PER REF A, US IS NOT IN A POSITION TO PROVIDE GROUP B CHAIRMAN FOR UNCTAD WG/ISL. US REP SHOULD SUPPORT SELECTION OF CANDIDATE ON WHICH THERE IS CONSENSUS, POSSIBLY MCQUEEN OF THE UK.

B) AND C) SEE PARA. 3 ABOVE.

D) PRESENTLY CONTEMPLATED SMALL US DEL PRECLUDES OUR SUPPLYING EITHER GROUP B COORDINATOR OR FRIEND OF THE RAPPORTEUR.

E) PER PAST PRACTICE, IT IS ASSUMED INITIAL GROUP B MEETING GENEVA WILL BE SCHEDULED AT 9:30 A.M. INGERSOLL

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